BILL NO. R-83-03-32

RESOLUTION NO. R-16-83

A RESOLUTION authorizing a Fire Protection Contract between the City of Fort Wayne, Indiana, and Holiday Inns., Inc.

WHEREAS, Holiday Inns, Inc., operates an establishment at 3330 California Road, Fort Wayne, Indiana, which is outside the present corporate limits of the City;

WHEREAS, Holiday Inns, Inc., has requested certain fire protection from the City for a one (1) year period and has agreed to pay the City the sum of Two Thousand and No/100 Dollars ($2,000.00) for such protection.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. The annexed contract made a part hereof between the City of Fort Wayne, Indiana, and Holiday Inns, Inc., is hereby ratified, confirmed and approved in all respects. Two (2) copies of said Contract are on file in the City Clerk's Office and are available for public inspection.

SECTION 2. That this Resolution shall be in full force and effect from and after its passage, and any and all necessary approval by the Mayor.

Councilmember

APPROVED AS TO FORM
AND LEGALITY

Bruce O. Boxberger, City Attorney

Read the first time in full and on motion by _____, seconded by _____, and duly adopted, read the second time by title and referred to the Committee _____ (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on _____, the _____ day of _____, 19___, at _____ o'clock ___.M.,E.S.T.

DATE: _____

CHARLES W. WESTERMAN - CITY CLERK

Read the third time in full and on motion by Gia Quinta, seconded by Talarico, and duly adopted, placed on its passage. PASSED ~~(LOST)~~ by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT	TO-WIT:
TOTAL VOTES	9				
BRADBURY	✓				
BURNS	✓				
EISBART	✓				
GiaQUINTA	✓				
SCHMIDT	✓				
SCHOMBURG	✓				
SCRUGGS	✓				
STIER	✓				
TALARICO	✓				

DATE: 3-22-83

Charles W. Westerman/ne
CHARLES W. WESTERMAN - CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as ~~(ZONING MAP)~~ ~~(GENERAL)~~ ~~(ANNEXATION)~~ ~~(SPECIAL)~~ ~~(APPROPRIATION)~~ ORDINANCE (RESOLUTION) NO. R-16-83 on the 22nd day of March, 19 83.

ATTEST: (SEAL)

Charles W. Westerman/ne
CHARLES W. WESTERMAN - CITY CLERK

Barbara E. Bonk
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 23rd day of March, 19 83, at the hour of 4:00 o'clock P.M.,E.S.T.

Charles W. Westerman/ne
CHARLES W. WESTERMAN - CITY CLERK

Approved and signed by me this 23rd day of March 19 83, at the hour of 4 o'clock P.M.,E.S.T.

Win Moses Jr.
WIN MOSES, JR. - MAYOR

FIRE PROTECTION CONTRACT

This contract is entered into in duplicate this 10th day of February 1983, between the City of Fort Wayne, Indiana, acting by and through its Mayor and Board of Commissioners, Department of Public Safety ("CITY") and HOLIDAY INNS, INC. (HOLIDAY INN).

WHEREAS, HOLIDAY INN, is the lessee of certain improvements upon real estate near but outside the corporate limits of the CITY described as follows:

3330 California Rd., Allen County, Indiana

and, WHEREAS, HOLIDAY INN desires to be assured that fire protection by CITY is available at its premises:

NOW, THEREFORE, the parties agree as follows:

1. For one (1) continuous calendar year from the date of this agreement, upon the receipt by CITY'S Fire Department of a notification or signal that there is a fire on said premises of HOLIDAY INN, CITY shall cause the proper firefighting station or stations to send such firefighting equipment, materials, and personnel to HOLIDAY INN premises as it reasonably sends to other similar locations within the corporate limits of the CITY.

2. For the firefighting services provided for herein, HOLIDAY INN shall pay to CITY the sum of Two Thousand Dollars ($2000.00). Said sum shall be payable upon execution of this contract.

3. The CITY shall cause its fire department personnel to inspect said building, equipment and facilities periodically, at mutually convenient times, to familiarize such personnel with said building, equipment, and facilities and HOLIDAY INN operations on its premises, so as to: (1) determine the types of fires which may reasonably be anticipated on said premises; (2) be able to render service commensurate with existing service conditions; (3) to make recommendations relative to fire prevention.

4. The CITY and the CITY'S Fire Department shall not assume any liability for the safety, well-being or destruction of any structures, buildings or the contents herein nor for individuals involved herein the execution of the contract, nor shall the CITY or any of its employees, departments or boards be liable for any injury to any person or damage to any property with respect to performance of duties hereto or for any failure to perform any duties hereunder.

5. Notwithstanding the foregoing provisions, this contract shall not become effective until it shall have been signed by the Mayor and the Members of the Board of Commissioners, Department of Public Safety of CITY, and ratified and approved by the Common Council of CITY.

IN WITNESS WHEREOF, this agreement has been duly authorized and executed as of the date first above written by the duly authorized officers and representatives of the parties.

HOLIDAY INNS, INC.

By: _____
Gordon E. Druehl,
Hotel Group Vice President

CITY OF FORT WAYNE, INDIANA

By: _____
Win C. Moses, Jr., Mayor

BOARD OF COMMISSIONERS,
DEPARTMENT OF PUBLIC SAFETY

By: _____
Nick Palermo, Chairman

William H. White, Member

Robert Hatcher, Member

I hereby certify that the foregoing contract was ratified and approved by Common Council of the City of Fort Wayne, Indiana on March 22, 1983.

Charles W. Westerman, Clerk

1/3/83

6229

Admn. Appr. _____

DIGEST SHEET

R-83-03-32

TITLE OF ORDINANCE Outside the City Fire Contract

DEPARTMENT REQUESTING ORDINANCE Board of Public Safety

SYNOPSIS OF ORDINANCE This would allow the City of Fort Wayne to provide fire protection for Holiday Inn at 3330 California Rd. They, in turn, will pay the City $2,000.00 which is used to purchase fire equipment.

EFFECT OF PASSAGE Fort Wayne Fire Department will receive $2,000.00

EFFECT OF NON-PASSAGE Fire Department will lose $2,000.00

MONEY INVOLVED (Direct Costs, Expenditures, Savings) none

ASSIGNED TO COMMITTEE (J.N.) _____

DATE SUBMITTED: _____